

THIRTEENTH DAY

(Monday, January 29, 1945)

The Senate met at 11 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Winfield
Martin	York
Metcalfe	

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Friday, January 26, 1945, was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Weinert was granted leave of absence for today on account of important business, on motion of Senator Morris.

Senator Mauritz was granted leave of absence for today and tomorrow, on account of illness, on motion of Senator Metcalfe.

Senators Kelley and Shivers were granted leaves of absence for today and indefinitely on account of important business, on motion of Senator Metcalfe.

Senate Bills on First Reading

The following bills were introduced, read severally first time, and referred to the committees indicated:

By Senators Parrish, Moffett, and Mauritz:

S. B. No. 86, A Bill to be entitled An Act amending Sections 13 and 26 of Chapter 184, Article XVII, Acts of the Regular Session of the 47th Legislature, as amended by Chapter

298, Acts of the Regular Session of the 48th Legislature, to provide exemption from tax on motor fuel used for certain non-highway purposes; defining terms used herein; limiting tax exempt purchases of motor fuel, or appropriations for use, to quantities of not less than thirty (30) gallons; providing for licenses for persons selling tax exempt motor fuel or appropriating it for use; fixing limitation periods and fees for said licenses; describing the information to be contained in or furnished with applications for such licenses and for the renewal thereof; making said licenses revocable under certain conditions; making it unlawful to perform any act requiring valid license without possession thereof; requiring exemption dealers to furnish deposit conditioned upon responsibility for invoices of exemption; relating to the refund of said deposits; providing for invoices of exemption for use in the sale of tax exempt motor fuel, or the appropriation for use thereof; providing for the issuance of books of invoices of exemption printed in triplicate and the control thereof; describing the information to be contained in invoices of exemption and their use and disposition; authorizing distributors to accept invoices of exemption for credit of or refund to dealers handling distributors' products and take credit on subsequent monthly report; describing information relating to tax exempt motor fuel to be reported by distributors; requiring that tax exempt motor fuel be distinguished from other motor fuels by compounding with coloring, chemicals, or dyes, with exceptions, and relating to the distribution and control of said products; prohibiting use of tax exempt motor fuel on public highway, or use in registered or licensed equipment; providing prima facie evidence of unlawful use when found in registered motor vehicles; requiring tax exempt motor fuel to be kept separate from other motor fuel and authorizing its impoundment under certain conditions; authorizing inspection of all products and equipment of persons acquiring tax exempt motor fuel; providing appropriations for refunds and expense of enforcing this Act; relating to records to be kept by exemption dealers and purchasers of tax exempt motor fuel; authorizing refunds of tax paid on motor fuel thereafter exported, lost

by accident or sold to federal government and describing means of obtaining said refunds; authorizing bonded distributors to take credit on subsequent report in lieu of filing refund claims; allocating and appropriating the license and refund filing fees collected hereunder; prescribing penalties; relating to the revocation or suspension of licenses and the procedure in connection therewith; amending Section 26 relating to misdemeanor penalties, enumerating the offenses punishable and fixing the punishment; preserving all taxes, penalties and interest becoming due before the effective date of this Act; providing that punishment of offenses committed and the recovery of fines, forfeitures and penalties incurred prior to said effective date shall take place as if the amended laws had remained in force; containing a saving clause; repealing conflicting laws and fixing the effective date of this Act.

To Committee on State Affairs.

By Senator Hazlewood:

S. B. No. 87, A Bill to be entitled An Act to authorize all counties of this State having a population of not more than thirty thousand (30,000) nor less than eighteen thousand (18,000), according to the last preceding Federal census, and containing an assessed valuation of Twenty-four (24) Million Dollars, or more to create county-wide equalization school districts, to create county unit system of education and have taxing power conferred on school districts by Article VII, Section 3 of the Constitution; providing for the general management, supervision and control of the public schools to be vested in the County Board of School Trustees; providing for an annual levy and collection of an equalization tax not to exceed Twenty-five (25) Cents on the One Hundred Dollars (\$100) valuation of property situated in the County; providing for a petition of legally qualified voters authorizing the County Judge to call an election for the authority to levy and collect such tax; providing for the manner of holding such election and for the returns and canvass of the result of such election; providing that no election to revoke such tax shall be ordered until the expiration of five (5) years from the date of the election at which said tax was adopted;

providing for the assessment of all taxable property by the County Tax Assessor at the same rate of valuation as assessed for the State and County purposes; providing for the manner and time of collection of such taxes by the County Tax Collector; providing that the County Superintendent shall be the Treasurer of said county-wide equalization district; providing for a County depository; providing for the distribution of such money collected from any taxes levied by the County Board of School Trustees and for the issuance of warrants by said Board; providing that this Act shall not change any duties imposed on or powers conferred upon the Trustees of any common or independent school district; providing that the equalization tax shall be distributed to the respective districts by the County Board of School Trustees and containing a severability provision; and declaring an emergency.

To Committee on Civil Jurisprudence.

By Senator Metcalfe:

S. B. No. 88, A Bill to be entitled An Act to amend Article 6602, Revised Civil Statutes of Texas, 1925, as amended by Chapter 45, Section 1, Acts of the 48th Legislature, Regular Session, 1943; and declaring an emergency.

To Committee on Civil Jurisprudence.

By Senators Metcalfe, Lane, Stone, Aikin and Chadick:

S. B. No. 89, A Bill to be entitled An Act amending Section 6 of Chapter 125, Acts of the Regular Session of the 45th Legislature so as to authorize and require issuance of certificate of service to any fireman who has completed twenty years service, notwithstanding he may not have reached the age of fifty-five years; and declaring an emergency.

To Committee on State Affairs.

By Senator Morris:

S. B. No. 90, A Bill to be entitled An Act amending Section 30 of Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended, so as to require all peace officers to make the same reports concerning seized liquor and property now required of

representatives of the Texas Liquor Control Board; and declaring an emergency.

To Committee on Criminal Jurisprudence.

By Senator Lanning:

S. B. No. 91, A Bill to be entitled An Act to amend Senate Bill No. 99, Acts of the Second Called Session of the Thirty-eighth Legislature, same being codified as Article 4362 in the Revised Civil Statutes of 1925, to authorize the Comptroller to appoint and designate assistants to the bond clerk and declaring an emergency.

To Committee on Finance.

Advance Printing of Senate Bill 86

On motion of Senator Parrish, and by unanimous consent, S. B. No. 86 was ordered printed in advance of its consideration in committee.

Messages from the Governor

The President laid before the Senate, and directed the Secretary to read, the following messages received from the Governor today:

Austin, Texas,
January 29, 1945.

To the Senate of the Forty-ninth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be a member of the Postwar Economic Planning Commission to succeed E. D. McCormick, resigned:

Gilbert Smith of Anson, Jones County (member, Texas County Judges and Commissioners Association).

To be Public Weigher in and for Bexar County for a two year term to expire January 27, 1947:

G. C. Hagelstein, San Antonio, Bexar County.

M. A. Dozier, San Antonio, Bexar County.

Respectfully submitted,

COKE R. STEVENSON,
Governor of Texas.

Austin, Texas,
January 25, 1945.

To the Senate of the Forty-ninth Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be Branch Pilots for the Brownsville Navigation District for terms expiring December 31, 1946:

Captain Joseph A. Kelly of Brownsville, Cameron County.

Captain Aubrey D. Shaw of Brownsville, Cameron County.

Respectfully submitted,

COKE R. STEVENSON,
Governor of Texas.

Austin, Texas,
January 29, 1945.

To the Members of the Forty-ninth Legislature:

I submit herewith to each House an original signed copy of the joint report of the Texas Red River Compact Commission and the Oklahoma Red River Compact Commission.

I am informed that bills are being prepared which will present to you for your consideration the subject matter embodied in the report.

Respectfully submitted,

COKE R. STEVENSON,
Governor of Texas.

Text of Report of Red River Compact Commissions

Honorable Members of the Forty-ninth Legislature of the State of Texas, and

The Honorable Robert S. Kerr, Governor of the State of Oklahoma.

We, the members of the Red River Compact Commission of the State of Texas, appointed by the Honorable Coke Stevenson, Governor of the State of Texas, pursuant to H. C. R. No. 69 of the Forty-eighth Regular Session of the Legislature of the State of Texas, and we, the members of the Red River Compact Commission of the State of Oklahoma, appointed by the Honorable Robert S. Kerr, Governor of the State of Oklahoma, having been appointed for the purpose of inquiring into and considering the problems confronting the peoples of our States which have arisen from the creation of Lake Texoma by the completion of the Denison Dam project, and

Having devoted more than a year's time to the study of such problems, during which period we, acting both

jointly and separately, have discussed and considered said problems with various and sundry citizens, groups of citizens, and others interested in such problems throughout the States of Texas and Oklahoma, and

Recognizing and respecting the rights of full sovereignty of the State of Texas and the State of Oklahoma and the privileges and duties of the citizens of our States, also recognizing the spirit of good neighborliness and friendship which exists between the citizens of the State of Texas and of the State of Oklahoma, and with the purposes of maintaining such sovereignty, good neighborliness, and cooperation and of extending to the citizens of the States of Texas and Oklahoma equal rights and privileges in the benefits arising from the creation of Lake Texoma, insofar as the laws of the State of Texas and the State of Oklahoma will permit:

Your Commissioners do now report that we are in full accord as to the solution of said problems and do hereby respectfully render our full and complete report and submit the following recommendations and suggestions:

I.

We recommend that no compact or agreement be entered into calling for Congressional approval for the following reasons:

a. It would be inadvisable to request or permit the intervention of third parties, which would be the case in a compact ratified by Congress into regulations.

b. Such regulations as are established by agreement between the States should be simple and as flexible as possible since the less restrictive the regulations by the two States the more easily the same could be enforced, and all peoples affected would be more receptive to their enforcement.

II.

We recommend to you that the Legislature of Texas and the Legislature of Oklahoma should authorize, and empower, by proper legislation, their Game and Fish Commissions to enter into an agreement, each with the other, to effectively control and manage hunting and fishing in and on Lake Texoma and its shore line. Such agreement should not be incon-

sistent with the intent of the Game and Fish laws of said states. Such agreement should not become operative until after its formal approval by the Governor of Texas and the Governor of Oklahoma.

III.

We recommend that the agreement contain the following provisions:

First, that all residents of the State of Texas who have fulfilled their State's requirements for resident fishing and who are possessed of such license or licenses of current date should continue to have the right to fish, without additional fee, in or on that part of Lake Texoma which is within the boundaries of Texas. But, for the right to fish in or on that part of the Lake which is within the boundaries of the State of Oklahoma, they should purchase from the State of Oklahoma a special license to so fish, at a fee which should be no more than that charged by the State of Oklahoma for their regular resident fishing license.

Second, that all residents of the State of Oklahoma who have fulfilled their State's requirements for resident fishing and who are possessed of such license or licenses of current date should continue to have the right to fish, without additional fee, in or on that part of Lake Texoma which is within the boundaries of Oklahoma. But, for the right to fish in or on that part of the Lake which is within the boundaries of Texas, they should purchase from the State of Texas a special license to so fish, at a fee which should be no more than that charged by the State of Texas for their regular resident fishing license.

Third, that all residents of the State of Texas who are possessed of a resident hunting license of current date should continue to have the right to hunt, without additional fee, on that part of Lake Texoma, and its lands, which is within the boundaries of Texas. But, for the right to hunt only migratory waterfowl on that part of Lake Texoma which is within the boundaries of Oklahoma, they should purchase a special license to so hunt, at a fee which should be no more than that charged by the State of Oklahoma for their regular resident hunting license.

Fourth, that all residents of the

State of Oklahoma who are possessed of a resident hunting license of current date should continue to have the right to hunt, without additional fee, on that part of Lake Texoma, and its land, which is within the boundaries of Oklahoma. But, for the right to hunt only migratory waterfowl on that part of Lake Texoma which is within the boundaries of the State of Texas, they should purchase a special license to so hunt, at a fee which should be no more than that charged by the State of Texas for their regular resident hunting license.

Fifth, that any person who is not a resident of the State of Texas or of the State of Oklahoma should be permitted to purchase a special non-resident license to fish in or on any part of Lake Texoma for the sum of \$2.50, said license to be issued for the calendar year. The proceeds from the sale of these special \$2.50 non-resident fishing licenses should be divided equally between the States of Texas and Oklahoma.

Sixth, that any person who is not a resident of the State of Texas or of the State of Oklahoma should be permitted to purchase a special non-resident license to hunt only migratory waterfowl on any part of Lake Texoma for the sum of \$2.50, issued for the migratory waterfowl hunting season applicable to Lake Texoma, as set by the U. S. Fish and Wildlife Service each year. The proceeds from the sale of these special \$2.50 non-resident migratory waterfowl hunting licenses should be divided equally between the States of Texas and Oklahoma.

IV.

We are of the opinion that fishing in Lake Texoma should be under uniform regulations applicable to the entire Lake, irrespective of the boundary line between the two states.

V.

We respectfully call your attention to the differences between the non-resident privileges granted by the respective states and the fees charged therefor. It is our opinion that such privileges, and the fees charged therefor, should be uniform and that Texas and Oklahoma should be the first of the states of the union to correct this out-of-balance system. It is our further opinion that non-

resident fees were originally set at such a figure as to be beyond the reach of the average sportsman, which is not in conformity with our democratic form of government.

Respectfully submitted,

Texas Red River Compact Commission

WM. J. TUCKER, Chairman
J. A. ALEXANDER
W. L. STEAKLEY, JR.
WM. O. HARWELL
H. G. TUCK

Oklahoma Red River Compact Commission

GLADE KIRKPATRICK,
Chairman
JERRY LEDBETTER
BOYD ABBOTT
M. W. FITZGERALD

The messages of the Governor were read, and those submitting nominations were referred to the Committee on Nominations of the Governor.

Senate Resolution 25

Senator Martin offered the following resolution:

Whereas, Honorable J. R. Record and Mrs. Record are guests in the City of Austin today; and

Whereas, Mr. J. R. Record is an official of the Fort Worth Star Telegram, one of the great and outstanding newspapers of Texas and of the Nation; and

Whereas, Mr. Record is recognized throughout the country as an outstanding newspaper man and as one of the valuable and leading citizens of Texas; and

Whereas, he is accompanied by his charming wife who is likewise loved and appreciated by those who know her as an exemplary and charming housewife, club woman and citizen of Texas, now, therefore, be it

Resolved, that the Senate in Session extend to Mr. and Mrs. Record the courtesy of the floor of the Senate of the State of Texas.

MARTIN
MOFFETT
AIKIN

The resolution was read and was adopted.

The President appointed Senators Martin, Aikin and Ramsey to escort Mr. and Mrs. Record to the Senate Chamber.

Adjournment

On motion of Senator Lane, the Senate, at 11:20 o'clock a. m., adjourned until 11:00 o'clock a. m. tomorrow.

FOURTEENTH DAY

(Tuesday, January 30, 1945)

The Senate met at 11:00 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Winfield
Martin	York
Metcalf	

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senators Mauritz and Weinert were granted leaves of absence for today on account of illness, on motion of Senator Lanning.

Senators Shivers and Kelley were granted leaves of absence for today and indefinitely on account of important business, on motion of Senator Lanning.

Senate Bills on First Reading

The following bills were introduced, read first time, and referred to the committees indicated:

By Senator Stanford:

S. B. No. 92, A Bill to be entitled An Act directing and authorizing the Comptroller to transfer Eight Hundred Thirty-eight Dollars and Forty-

one Cents (\$838.41) from the Suspense Fund to the General Revenue Fund; Ninety-one Dollars and Fifty-eight Cents (\$91.58) from the National Guard Fund to the General Revenue Fund; and Seven Hundred Twenty-two Dollars and Three Cents (\$722.03) from the Unorganized Counties Tax Fund to the General Revenue Fund; and providing that the Comptroller, with the consent and approval of the State Auditor and Efficiency Expert and the State Treasurer, may transfer dormant funds to the General Revenue under certain circumstances; and that when such transfers are made to the General Fund, the same may be subject to appropriation by the Legislature for a refund, and declaring an emergency.

To the Committee on Finance.

By Senator Carney:

S. B. No. 93, A Bill to be entitled An Act specifying the time when fresh water fishes may be taken; limiting the numbers of certain fresh water fishes that may be taken and possessed; fixing size limits to govern the taking and retention of fresh water fishes; repealing all local, special or general laws in so far as they fix a closed season on fishing or using artificial lures, regulate the size of fish that may be taken or the number that may be taken, and repealing all laws or parts of laws in conflict herewith, excepting regulations made under, and the provisions of, Chapter 213, House Bill 654, Regular Session, 48th Legislature, fixing a suitable penalty for violation of any provision of this Act; and declaring an emergency.

To Committee on Game and Fish.

By Senator Carney:

S. B. No. 94, A Bill to be entitled An Act providing for the recitation of the State's free royalty interest in oil, gas and mineral leases covering lands in which the State of Texas owns only a free royalty interest, and for the filing of such leases in the General Land Office; and declaring an emergency.

To Committee on Public Lands and Land Office.

By Senator Morris:

S. B. No. 95, A Bill to be entitled An Act amending subsections (j)